REMARKS

As an initial matter, Applicants are grateful to the Examiner for indicating that claims

10-14, 26-30, and 40-44 would be allowable if rewritten in independent form including all of

the limitations of the base claim and any intervening claims, and after overcoming the

provisional rejection under judicially created doctrine of obviousness-type double patenting.

Applicants are also grateful to the Examiner for indicating that claim 16 would be allowable

after overcoming the provisional rejection under judicially created doctrine of obviousness-

type double patenting.

Applicants respectfully request reconsideration of this application as amended.

Claims 1, 2, 5-14, 16-18, 21-32, and 35-44 have been amended. Claims 3, 4, 15, 19, 20, 33,

and 34 have been cancelled. Claims 45-49 have been added. Therefore, claims 1, 2, 5-14,

16-18, 21-32, and 35-49 are present for examination.

Drawing Objections

Figures 1-4 should be designated by a legend such as --Prior Art -- because only that

which is old is illustrated. See MPEP § 608.02(g). Applicants submit that this objection has

been obviated by the amended figures submitted herein.

Claim Objections

The abstract is objected to because it exceeds 150 words in length. See MPEP §

608.01(b). Applicants submit that this objection has been obviated by the new abstract

submitted herein.

35 U.S.C. § 102 Rejection

Claims 1-3, 7, 17-19, 23, 31-33 and 37 stand rejected under 35 U.S.C. §102(e) as being anticipated by Raz et al. (U.S. Patent Application Publication No. 2002/0138640).

Raz discloses, "a principal server configured *to stream program and data blocks to downstream devices* in accordance with a dynamic prediction of the needs of those devices." (abstract lines 4-7). Raz further discloses, "servers that *broadcast storage or deletion of cached data* to other intermediate servers in the network. This information is used, preferably in conjunction with the predictive streaming functionality, to *identify the best blocks to purge from the cache when necessary.*" (paragraph [0018], lines 2-5). Raz also discloses "any number of tiers of intermediate servers can be *provided between the highest and lowest tiers.*" (paragraph [0019], lines 3-5).

In contrast, claim 1 recites, in pertinent part, a method for initializing a new node in a network including, <u>adding a new node to a network</u> having a plurality of nodes, <u>sending a query automatically to the plurality of nodes to determine what contents to download</u>, the content being stored as block files in one or more nodes of the network. Raz discloses having any number of intermediate servers in between the highest and lowest tiers, however, this is not equivalent to <u>adding a new node to a network</u>. Also, broadcasting storage or deletion of cached data to other intermediate servers on the network is not equivalent to sending a query automatically to a plurality of nodes to <u>determine what contents to download</u>. Accordingly, Applicants submit that claim 1 and its dependant claims are distinguished from the cited reference.

With regard to claims 17 and 31, they contain limitations similar to those of claim 1. Accordingly, Applicants respectfully submit that claims 17 and 31 and their dependent claims, are also distinguished from the cited reference.

However, for the sake of expediting issuance of this case, Applicants include the limitations of claim 16, which were indicated allowable by the Examiner, into claims 1, 17, and 31. Accordingly, Applicants submit that claims 1, 17, and 31 and their dependant claims appear in proper condition for allowance.

35 U.S.C. § 103 Rejection

Claims 4-6, 8-9, 15, 20-22, 24-25, 34-35 and 38-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raz et al. (U.S. Patent Application Publication No. 2002/0138640) in view of Aggarwal et al. (U.S. Patent No. 5,924,116).

Aggarwal discloses "an internet environment where the PICS protocol may be used to communicate caching status (on some or all the upper hierarchy) down the hierarchy. The PICS protocol may be used to *communicate the caching status of the higher level server by creating a caching label* (also called a CHL value) and using a PICS category value to represent the caching status. Specifically, the caching status information can be stored or *communicated as part of a header of the object using the PICS protocol.*" (col. 3, lines 57-65).

In contrast, claim 1 recites, in pertinent part, discloses a method for initializing a new node in a network including, <u>adding a new node to a network</u> having a plurality of nodes, <u>sending a query automatically to the plurality of nodes to determine what contents to download</u>, the content being stored as block files in one or more nodes of the network. As

discussed above, <u>Raz</u> does not teach or reasonably suggest initializing a new node in a network including, <u>adding a new node to a network having a plurality of nodes</u>, <u>sending a query automatically to the plurality of nodes to determine what contents to download</u>, as recited by claim 1. <u>Aggarwal</u> like <u>Raz</u>, does not teach or reasonably suggest a method for initializing a new node in a network including, <u>adding a new node to a network having a plurality of nodes</u>, <u>sending a query automatically to the plurality of nodes to determine what contents to download</u>, as recited by claim 1. <u>Raz</u> and <u>Aggarwal</u> neither individually nor when combined teach or reasonably suggest such a limitation of claim 1.

Claims 4-6, 8-9, 15, 20-22, 24-25, 34-35, and 38-39 depend from independent claims 1, 17, and 31 and thus include all the limitations of the independent claims from which they depend. Accordingly, claims 4-6, 8-9, 15, 20-22, 24-25, 34-35, and 38-39 are distinguished from the cited references.

Double Patenting

Claims 1-44 stand rejected for double patenting under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-41 of co-pending U.S. Application No. 09/681,668. Applicants submit a terminal disclaimer, enclosed herewith, as recommended by the Examiner, to overcome the double patenting rejection.

Claims 1-44 stand rejected for double patenting under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-55 of co-pending U.S. Application No. 09/681,672. Applicants submit a terminal disclaimer, enclosed herewith, as recommended by the Examiner, to overcome the double patenting rejection.

Claims 1-44 stand rejected for double patenting under the judicially created doctrine

of obviousness-type double patenting as being unpatentable over claims 1-26 of co-pending U.S. Application No. 09/984,019. Applicants submit a terminal disclaimer, enclosed herewith, as recommended by the Examiner, to overcome the double patenting rejection.

New Claims

New claims 45-49 contain the limitations of claim 16, which were indicated allowable by the Examiner. Therefore, Applicants respectfully submit that claims 45-49 should also be made allowable.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.